

Serial No.: 10/672,439

Attorney Docket No.: 2003P08209US

REMARKS

Upon entry of the instant Amendment, Claims 1-19 are pending. Claims and 12 have been amended to more particularly point out Applicants' invention. Claims 1, 2, and 17 have been amended to overcome the Section 112 rejections. The Cross-Reference to Related Applications has been amended to provide updated serial numbers to the related applications. No new matter has been added.

Claims 1-19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In particular, the use of "availability rules" was indicated to be unclear; the use of a wherein clause in claims 1 and 17 was likewise alleged to be unclear. The claims have been amended in accordance with the suggestions of paragraph 3 of the Official Action to recite "availability rules...for contacting said [or a] user." Claims 1 and 17 were amended in accordance with the suggestion of paragraph 3 of the Official Action to remove the term "wherein."

Claim 2 was amended to correct dependency on claim 1.

Claims 14 and 15 were "questioned." Applicants respectfully submit that these claims properly further limit the "alerting means" limitation – they recite means or media by which alerting signals can be sent from the user device (e-mail or text messaging) (These media can also be defined in the availability rules).

The disclosure was objected to because of an incorrect serial number in the cross reference to related applications. That section of the specification has been amended to provide the correct serial number. No new matter has been added.

Claims 1-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott, U.S. Patent No. 6,243,039 ("Elliott") in view of Teckchandani et al., U.S. Patent Application No. 2003/0151501 ("Teckchandani"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Elliott or Teckchandani, either singly or in combination.

As discussed in the Specification, aspects of the present invention relate to a system and method for location monitoring, for example, by third parties. A remote

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device may be affixed, for example to a person, and set to trigger an alarm (e.g., "alerts," "alerting signal") and/or transmission of positioning information if it departs from a predetermined location. In addition, the device and its corresponding location may be associated with one or more presence and availability rules that may define, for example, how the user associated with the device may be contacted, based on a position and speed derived from positioning information or positions, of the user, if necessary.

In contrast, as discussed in response to previous Official Actions, neither Elliott nor Teckchandani appear to relate, inter alia, to a system capable of using speed over a particular time as a rule criteria.

As discussed in response to the previous Official Action, Elliott provides a system for monitoring the location of a child. An automatic update of the current location can be triggered. While delivery of the location information may be provided by various media, Elliott does not appear to have anything to do with, for example, presence and availability rules associated with the user's position or speed over a predetermined period. That is, Elliott does not appear to define rules for contacting a user that are associated with the user's location or speed over a particular period, as generally recited in the claims at issue.

Like Elliot, Teckchandani also does not appear to have anything to do with defining availability rules associated with a user's location and speed over a particular period, as generally recited in the claims at issue. Teckchandani relates, for example, to a vehicle monitoring system that can activate an alarm, for example, if the vehicle is stolen, removed from a particular area, or speeding. While the user can enable remotely controlled features of the vehicle, the user does not appear to be able to set one or more availability rules based on the vehicle's location and speed over a particular period. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

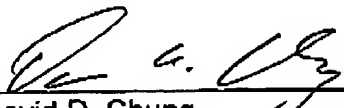
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For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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